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10/669,692	09/25/2003	Brian T. Murphy	6502-0259-04	4443
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SUN MICROSYSTEMS/FINNEGAN, HENDERSON LLP			EXAMINER	
901 NEW YORK AVENUE, NW			HAMZA, FARUK	
WASHINGTON, DC 20001-4413				
			ART UNIT	PAPER NUMBER
			2155	
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			01/09/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/669,692

Applicant(s)

MURPHY ET AL.

Examiner

Faruk Hamza

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 83, 84, 89, 90 and 92 is/are pending in the application.
- 4a) Of the above claim(s) 80-82, 85-88, 91 and 93 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 83, 84, 89, 90 and 92 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date See Continuation Sheet.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :5/26/04  
10/19/04, 3/17/05, 7/15/05, 4/4/06,.

### DETAILED ACTION

1. Applicant's election without traverse of Species II (Claims 83-84, 89-90 and 92) in the reply filed on October 18 is acknowledged. Claims 83-84, 89-90 and 92 are pending.
2. The applicant should always use the period for response to thoroughly and very closely proof read and review the whole of the application for correct correlation between reference numerals in the textual portion of the Specification and Drawings along with any minor spelling errors, general typographical errors, accuracy, assurance of proper use for Trademarks <sup>TM</sup>, and other legal symbols <sup>®</sup>, where required, and clarity of meaning in the Specification, Drawings, and specifically the claims (i.e., provide proper antecedent basis for "the" and "said" within each claim). Minor typographical errors could render a Patent unenforceable and so the applicant is strongly encouraged to aid in this endeavor.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 83, 89 and 92 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. *Claimed invention is not directed to a practical application. The claims do not require any physical transformation and the invention as claimed do not produce a useful, concrete and tangible result.*

Claims 89-90 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Applicant's specification includes carrier wave to be the computer-readable medium. Carrier wave is not tangible and does not belong to one of the statutory categories. See MPEP 2106.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 83-84, 89-90 and 92 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 83 and 89, it is unclear and indefinite to the examiner who is receiving a request to access a network service and who is sending the request, who is retrieving a reference to a lookup service. It is also unclear who is sending a request to the lookup service.

As to claim 92, it is unclear and indefinite to the examiner from where a reference is received.

Claims 83 and 89 recite the limitation "from the cache" in line 5 and 6 respectively. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2155

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 83-84, 89-90 and 92 are rejected under 35 U.S.C. 102(e) as being anticipated by Ganesh et al. (U.S. Patent Number 6,553,000) hereinafter referred as Ganesh.

Ganesh teaches the invention as claimed including a switch device for forwarding network traffic to a desired destination on a network, such a telephone or computer network. The switching device includes multiple ports and uses a lookup table to determine which port to forward network traffic over (See abstract).

As to claim 83, Ganesh teaches a method in a distributed system comprised of a plurality of lookup services with associated network services and a client lookup manager with an associated cache, the method comprising the steps of:

receiving a request to access a network service (Fig. 6, Fig. 7, Column 6, lines 55-Column 8, lines 64);

retrieving a reference to a lookup service from the cache, wherein said lookup service is associated with said network service (Fig. 6, Fig. 7, Column 6, lines 55-Column 8, lines 64); and

sending a request to the lookup service identifying the network service to be accessed (Fig. 6, Fig. 7, Column 6, lines 55-Column 8, lines 64).

As to claim 84, Ganesh teaches the method according to claim 83, wherein the retrieving step further comprises searching a table of a plurality of lookup services and associated network services for said network service (Fig. 6, Fig. 7).

As to claim 89, Ganesh teaches a computer-readable medium containing instructions for controlling a data processing system to perform a method for accessing network services, the data processing system having a software cache and a plurality of lookup services available

for use in the data processing system, the method comprising the steps of: receiving a request to access a network service (Fig. 6, Fig. 7, Column 6, lines 55-Column 8, lines 64);

retrieving a reference to a lookup service from the cache, wherein said lookup service is associated with said network service (Fig. 6, Fig. 7, Column 6, lines 55-Column 8, lines 64); and

sending a request to the lookup service identifying the network service to

be accessed (Fig. 6, Fig. 7, Column 6, lines 55-Column 8, lines 64).

As to claim 90, Ganesh teaches the computer-readable medium according to claim 89, wherein the retrieving step further comprises searching a table of a plurality of lookup services and associated network services for said network service (Fig. 6, Fig. 7).

As to claim 92, Ganesh teaches a distributed system comprising:  
a server computer with a lookup service having references to a plurality of network services (Fig. 6, Fig. 7, Column 6, lines 55-Column 8, lines 64);  
and

a client computer including a client lookup manager with an associated cache, wherein said client lookup manager:

receives a reference to one of said plurality of lookup services (Fig. 6, Fig. 7, Column 6, lines 55-Column 8, lines 64); and

stores said reference on said client lookup manager (Fig. 6, Fig. 7, Column 6, lines 55-Column 8, lines 64).

6. **Examiner's Note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its



entirety as potentially teaching of all or part of the claimed invention, as well as the context.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faruk Hamza whose telephone number is 571-272-7969. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached at 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 886-217-9197 (toll -free).

Faruk Hamza

Patent Examiner

Group Art Unite 2155

  
SALEH NAJJAR  
SUPERVISORY PATENT EXAMINER